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*Attorneys for plaintiff and counter-defendant
Nationstar Mortgage LLC and cross-
defendant Bank of America, N.A.*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NATIONSTAR MORTGAGE LLC,

Plaintiff,

v.

GIAVANNA HOMEOWNERS
ASSOCIATION; and SFR INVESTMENTS
POOL 1, LLC; DOE INDIVIDUALS I-X; and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No.: 2:15-cv-01992-LDG-CWH

**~~[PROPOSED]~~ ORDER GRANTING IN
PART AND DENYING IN PART
NATIONSTAR MORTGAGE LLC'S
EMERGENCY MOTION FOR
PROTECTION FROM ITS 30(b)(6)
DEPOSITION AND MOTION FOR
SANCTIONS [ECF NO. 59]**

SFR INVESTMENTS POOL 1, LLC, a Nevada
limited liability company,

Counter/Cross Claimant,

v.

NATIONSTAR MORTGAGE LLC, a Delaware
limited liability company; BANK OF
AMERICA, N.A., a national association; JONI
MCGRUFF HOWARD, an individual; and
KENYON HOWARD, an individual,

Counter/Cross Defendants.

1	GIAVANNA	HOMEOWNERS
2	ASSOCIATION,	
3		Third-Party Plaintiff,
4	v.	
5	NEVADA ASSOCIATION SERVICES, INC.,	
6		Third-Party Defendant.

Plaintiff and counter-defendant Nationstar Mortgage LLC's emergency motion for protection from its Rule 30(b)(6) deposition and motion for sanctions, ECF No. 59, came on for hearing on November 30, 2016, at 9:00 a.m. Natalie Winslow appeared for Nationstar and Diana Cline Ebron appeared for defendant, counter- and cross-claimant SFR Investments Pool 1, LLC. After reviewing the parties' briefing, noting Nationstar's motions present identical issues to a motion CitiMortgage, Inc. filed in *CitiMortgage, Inc. v. Mission Hills Homeowners Ass'n*, Case No. 2:16-cv-374-JCM-CWH, and hearing from counsel, the Court finds as follows:

1. SFR's topic 1 requests testimony on:

Your knowledge of the events and circumstances of the proceedings leading up to and including the Association foreclosure sale, including Your knowledge/notice of the foreclosure proceedings (from the Association or otherwise) and all communications about the Association lien/foreclosure/Borrowers' delinquency with Your agents, the Borrowers, the Association, NAS and/or internally.

This topic should be limited to testimony regarding Nationstar and its predecessor's efforts to tender the super-priority portion of Giavanna Homeowner Association's lien.

2. SFR's topic 2 requests testimony on:

Your standing—currently and at the time of the Association foreclosure sale—to enforce the First Deed of Trust/underlying promissory note and the transaction(s) through which You obtained your interest in the First Deed of Trust/underlying promissory note.

This topic should be limited to testimony regarding Nationstar's interest in the First Deed of Trust.

3. SFR's topic 3 requests testimony on :

All actions You allege You took before the Association foreclosure sale to protect Your interest in the Property as it relates to the Association's lien including written agreement(s) with the Borrowers, communications with the Borrowers, communications with the Association/NAS, attendance at the sale, any payments made to the Association/NAS and civil/administrative actions challenging the Association's lien.

1 This topic should be protected because it is redundant of SFR's deposition topic 1.

2 4. SFR's topic 4 requests testimony on:

3 The foreclosure proceedings related to the first deed of trust.

4 This topic should be protected because it is not proportional to the needs of the case.

5 5. SFR's topic 5 requests testimony on:

6 Your policies and procedures for processing and maintaining documents and
7 communications related to the Association lien/foreclosure received via mail, email,
8 from counsel, or any other means. This topic is limited to practices and procedures
9 that were/are applicable to the Property from origination to present.

10 This topic should be protected because it is not proportional to the needs of this case.

11 6. SFR's topic 6 requests testimony on:

12 Your policies and procedures applicable to the Property for handling association liens
13 from the time the Association recorded its notice of default to the date of the
14 Association foreclosure sale.

15 This topic should be protected because it is not proportional to the needs of the case.

16 7. SFR's topic 7 requests testimony on:

17 Your knowledge and understanding of the transaction(s) through which any other
18 entity besides You, currently claims or claimed at the time of the Association
19 foreclosure sale, an interest in the First Deed of Trust/underlying promissory note.

20 This topic should be limited to testimony regarding the identity of the beneficiary of the First Deed
21 of Trust at the time Giavanna Homeowners Association foreclosed, the identity of the current
22 beneficiary of the First Deed of Trust, the identity of any other entities who may have an interest in
23 the First Deed of Trust, and the nature of any interest held by any other entities who have an interest
24 in the First Deed of Trust.

25 8. SFR's topic 8 requests testimony on:

26 Any action(s) You took to notify third parties, including SFR, of pre-sale dispute
27 between You and the Association and/or NAS.

28 This topic should be protected because it is not proportional to the needs of this case.

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9. Nationstar requested the Court enter an order confirming Nationstar's witness may testify in-person in Dallas, Texas or via video conference. The Court finds a video conference deposition is appropriate. SFR may travel to the witness's location if it desires to take a deposition in-person, but Nationstar's witness should not be required to travel to Las Vegas.

10. The Court finds Nationstar had substantial justification for filing its motion. Neither party should be awarded attorneys' fees or costs in connection with Nationstar's motion.

NOW, THEREFORE, IT IS ORDERED as follows:

1. Nationstar's emergency motion for protection from its 30(b)(6) deposition and motion for sanctions, ECF No. 59, is GRANTED IN PART and DENIED IN PART.

2. SFR's topic 1 is limited to testimony regarding Nationstar and its predecessor's efforts to tender the super-priority portion of Giavanna Homeowner Association's lien.

3. SFR's topic 2 is limited to testimony regarding Nationstar's interest in the First Deed of Trust.

4. SFR's topics 3, 4, 5, 6, and 8 are protected and stricken from SFR's deposition notice.

5. SFR's topic 7 is limited to testimony regarding the identity of the beneficiary of the First Deed of Trust at the time Giavanna Homeowners Association foreclosed, the identity of the current beneficiary of the First Deed of Trust, the identity of any other entities who may have an interest in the First Deed of Trust, and the nature of any interest held by any other entities who have an interest in the First Deed of Trust.

6. Nationstar's witness need not travel to Las Vegas to attend a Rule 30(b)(6) deposition. SFR may either travel to the witness's location or conduct the deposition by video conference.

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7. Neither Nationstar nor SFR are awarded attorneys' fees or costs.

SO ORDERED, this the 1st of March, 2017.


The Honorable Carl W. Hoffman
United States Magistrate Judge

SUBMITTED BY:

/s/ Tenesa S. Scaturro, Esq.

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Bank of America, N.A.

APPROVED AS TO FORM:

This the 28th day of February, 2017.

/s/ Diana Cline Ebron, Esq.

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CERTIFICATE OF SERVICE

I certify on the 28th day of February, 2017, pursuant to Federal Rule of Civil Procedure 5, I filed and served a true and correct copy of the foregoing **[PROPOSED] ORDER GRANTING IN PART AND DENYING IN PART NATIONSTAR MORTGAGE LLC'S EMERGENCY MOTION FOR PROTECTION FROM ITS 30(b)(6) DEPOSITION AND MOTION FOR SANCTIONS [ECF NO. 59]** via the Court's CM/ECF system on the following:

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